

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

FRANCISCO JAVIER RIVERA §  
VS. § CIVIL ACTION NO. 1:24-CV-258  
UNKNOWN ESTELLE UNIT DEFENDANTS §

**MEMORANDUM OPINION AND ORDER**

Plaintiff Francisco Javier Rivera, a prisoner previously confined at the Estelle Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff alleges his constitutional rights were violated at the Estelle Unit.

Discussion

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, § 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. However, under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

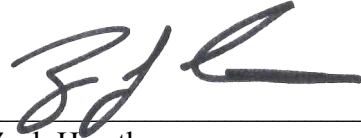
The Estelle Unit is located in the Houston Division of the United States District Court for the Southern District of Texas. The court has considered the circumstances and has determined that the interests of justice would be served if the complaint were transferred to the district in which the



claims arose. Therefore, this action should be transferred to the Southern District of Texas. It is accordingly

**ORDERED** that this civil rights action is **TRANSFERRED** to the Houston Division of the United States District Court for the Southern District of Texas.

SIGNED this 3rd day of August, 2024.

A handwritten signature in dark ink, appearing to read 'Zack Hawthorn', written over a horizontal line.

Zack Hawthorn  
United States Magistrate Judge